

UNITED STATES DISTRICT COURT

DISTRICT OF NEW HAMPSHIRE

Vincent Schonarth

v.

Civil No. 07-cv-287-JL

Eileen Fox, Clerk, New Hampshire Supreme Court

Dana Zucker, Clerk, Belknap County Superior Court

**O R D E R**

The magistrate judge's Report and Recommendation is approved over the plaintiff's objection.

The court writes only to provide additional procedural and factual information in support of the dismissal of this case under the Rooker-Feldman doctrine. See D.C. Ct. of Appeals v. Feldman, 460 U.S. 462, 476 (1993); Rooker v. Fidelity Trust Co., 263 U.S. 413, 416 (1923).

A review of the record of the New Hampshire Supreme Court litigation giving rise to this action (N.H. S. Ct. Docket #2006-0588), reveals that the plaintiff is trying to accomplish precisely what the Rooker-Feldman doctrine prohibits: using a U.S. District Court as an appellate forum to invalidate a state court's final judgment. After substantial motion practice at the New Hampshire Supreme Court regarding the plaintiff's desire that

the court waive the costs and fees associated with the production of transcripts, that court dismissed the plaintiff's appeal on January 18, 2007. Almost seven months later, the plaintiff filed a "Notice of Appeal to the U.S. District Court," commencing this action. As the Rooker-Feldman doctrine provides, U.S. District Courts are not appellate courts; they are courts of primary jurisdiction, and lack jurisdiction to preside over appeals from state courts or any other courts. As stated by the Magistrate Judge in his Report and Recommendation:

The proper recourse for a litigant in the state courts who is unhappy with the decisions of those courts is to pursue his appeal through the state appellate process, and then to the United States Supreme Court. In other words, a party is barred from seeking appellate review of a state court decision in the federal district court.

Report and Recommendation at 6 (emphasis added) (citing Lance v. Dennis, 546 U.S. 459, 463 (2006); see also Exxon Mobil Corp. v. Saudi Basic Indus. Corp., 544 U.S. 280 (2005); Federación de Maestros de P.R. v. Junta de Relaciones del Trabajo de P.R., 410 F.3d 17 (2005)).

This case is dismissed.

SO ORDERED.

  
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Joseph N. Laplante  
United States District Judge

March 10, 2008

cc: Vincent Schonarth, pro se  
N.H. Attorney General  
N.H. Department of Corrections